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ABSTRACT

The paper focuses on policy issues for handicapped students whose parents (primarily military) are employed by the federal government overseas. Chapter I describes three types of federally funded programs: overseas dependents schools, tuition free schooling (where low student populations do not justify the operation of federally funded schools), and service operated "Section 6" schools. Chapter II examines implications of funding, state policies and plans, compliance, and administration aspects of P.L. 94-142, the Education for All Handicapped Children Act. Chapter III compares the current status of special education services in those settings with the requirements of P.L. 94-142 in the following areas: identification, location, and evaluation of handicapped children: assessment: individualized education programs: least restrictive environment: related services, procedural safeguards, personnel development, architectural barriers, advisory panels, and "Section 6" schools. Options are considered in the final chapter for the following policy areas: identification and location of handicapped children, least restrictive environment, related services, and procedural safeguards. (CL)

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POLICY OPTIONS FOR PROVIDING SPECIAL EDUCATION AND RELATED SERVICES GUARANTEED BY P.L. 94-142 TO MILITARY DEPENDENTS

Catherine W. Yohn

Policy Options Project
May 1980

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BIOGRAPHICAL SKETCH OF THE AUTHOR

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Ms. Yohn will be awarded her doctorate in educational psychology from the University of California at Los Angeles in June, 1980. She has a master's degree in special education from the University of Southern California and received her bachelor's degree Magna cum laude from the same institution. Ms. Yohn is a member of numerous professional and honorary fraternities including Phi Delta Kappa.

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INTRODUCTION

The purpose of this paper is to examine the special education and related services provided to handicapped dependents of federally employed persons, primarily military, who are receiving an education totally funded by the federal government. There are several categories of persons whose education is funded primarily by state or federal governments. This paper focuses on children and youth whose parents are employed by the federal government and whose education during a portion of their school years is not provided by a local education agency. Most of the children in this category are the dependents of members of the armed services. The majority of dependent children receiving a federally funded education, approximately 140,000, are attending school on military bases located outside of the United States. A significant number, 31,000, attend schools established for workers on federally owned property in the continental United States (CONUS). The authority for the establishment of these schools is contained in Section 6 of Public Law 81-874, Title I, and the schools are commonly referred to as Section 6 schools. The Section 6 schools were created to provide an education for dependent children for whom local agencies were unable to provide suitable free public education. The smallest portion of military dependents, 3,000, are attending private schools in countries where the population base of American dependents is too small to support the establishment of a federally operated school. Tuition is paid for these students by the federal government through the Office of Dependents Schools.

Prior to the establishment of the Department of Education, responsibility for the education of the 174,000 dependents attending overseas and Section 6 schools rested with the Department of Defense. The Office of Dependents Schools in the Department of Defense administered programs on bases overseas as well as overseeing the tuition-fee students. Section 6 schools were administered by the

several military departments in agreement with the U.S. Commissioner for Education.

It is estimated that approximately 8 percent of children attending the overseas and Section 6 schools are handicapped. This figure reflects the number of handicapped children enrolled in these schools rather than the number of handicapped children overseas or attached to a service member eligible for overseas assignment. It is the policy of the military services to screen dependents for handicapping conditions and to not send persons with medical or educational problems to overseas locations where services are limited or nonexistent.

In 1975 Congress amended the Education of the Handicapped Act with the passage of P.L. 94-142. With its passage, the United States committed itself to educating all handicapped children. Since the passage of the Act major changes have occurred in the education of handicapped children.

The Education for All Handicapped Children Act (P.L. 94-142) is designed to assure the provision of a "free appropriate public education" to all handicapped children. "P.L. 94-142 can be said to have four major purposes:

- Guarantee the availability of special education programming to handicapped children and youth who require it.
- Assure fairness and appropriateness in decision making about providing special education to handicapped children and youth.
- Establish clear management and auditing requirements and procedures regarding special education at all levels of government.
- Financially assist the efforts of state and local governments through the use of federal funds." (Ballard, 1978, p. 2)

Public Law 94-142 did not apply to the overseas and Section 6 schools when it was passed in 1975. In Title XIV to the Education Amendments of 1978, Public

Law 95-561, it is stated that the provisions of P.L. 94-142 will apply to the overseas schools. Section 6 schools were directed to comply with Section 504 of the Rehabilitation Act of 1973 and P.L. 94-142 in a March, 1979 letter from the Secretary of Health, Education and Welfare.

As the Office of Dependents Schools and the Section 6 schools begin the transition into the new Department of Education, it is an ideal time to assess the status of services provided to handicapped children in federally funded schools and to project options for meeting the requirements of P.L. 94-142 in a new and unique administrative and fiscal situation.

This paper will first describe the existing schools and educational programs for dependents in federally funded overseas and Section 6 schools. After establishing the context in which education is provided to dependents, the requirements of P.L. 94-142 will be compared with current practices and provisions for the education of handicapped children. Conflicts and gaps will be identified and issues needing attention will be defined. Several central issues will be explored in detail and optional procedures for resolving these will be described.

The paper will be concerned only with the handicapped dependents of federal personnel whose children are enrolled in the overseas schools, the Section 6 schools and private schools overseas with tuition paid by the federal government. Only the needs of handicapped dependents aged 3 to 21 will be addressed in this paper as that is the age range covered by P.L. 94-142.

Chapter I

DESCRIPTION OF FEDERALLY FUNDED PROGRAMS SERVING DEPENDENTS OF MEMBERS OF THE ARMED FORCES

The education of military dependents has developed somewhat differently than that of other segments of the population. The location of military families in foreign countries or isolated areas of the United States and the rapid turnover of the population on military bases led to the establishment of a system of education that has its own patterns of administration and funding. In order to discuss the implementation of the regulations assuring the provisions of P.L. 94-142, it is helpful to understand something of the background of the overseas and Section 6 schools.

Overseas Dependents Schools

The Overseas Dependents Schools were established in the European Theater on May 4, 1946, with the creation of the Dependents School Service (DSS) by the Commander-in-Chief, U.S. Occupational Forces, European Theater (USFET). Morale had been the leading argument advanced in favor of bringing the wives and children of occupation personnel to Germany. DSS was set up to assist commanders in organizing and maintaining schools on elementary and secondary levels throughout the U.S. zone of Germany, to provide advice on private schools and colleges overseas and to furnish German educators with model American schools in order to help them democratize and restore their own educational system.

The development of the overseas dependents schools reflects the political and military events of the post-World War II years. On July 29, 1947, with Executive Order 9877, the Department of Defense was created with jurisdiction over the three military departments--Army, Navy, and Air Force. USFET yielded to a new organization, the European Command (EUCOM), a joint command of the Army, Air Force, and Navy. Each of the three brances of the military became responsible

for their own uniformed and civilian work force and for providing services, including education, to these people and their dependents.

The Soviet invasion of Czechoslovakia and the Berlin blockade led to the expansion of U.S. forces in western Europe and impacted on the establishment of the North Atlantic Treaty Organization (NATO). U.S. military support was committed to military installations in Great Britain, France, Norway, Denmark, Greece, Turkey, Spain, Italy, Belgium, Holland, Luxembourg, Morocco, Libya, and Crete. The expansion of military forces led to an increase in the number of dependents and created the necessity for the establishment of schools over a wide and varied geographic area.

There is almost no information available on the early operation of the overseas schools in the Far East. The Army established schools in occupied Japan in 1947. The development of the schools appears to follow a pattern similar to that of the European region. All three services established and operated schools for their dependents. In the early 1950's and into the 60's this had resulted in a patchwork school system with fragmented policies and overlapping administrative functions. The Army operated schools in Okinawa and Korea, the Navy had established schools in Taiwan, Midway, and the Philippines, the Air Force had schools in the Philippines and all three services maintained schools in Japan.

Schools in the Atlantic area date to 1936 when the Navy opened schools at Guantanamo Bay in Cuba. From 1952 to 1964 both the Navy and the Air Force directed schools in the Atlantic region. The Strategic Air Command (SAC) had schools in Labrador and Newfoundland, the Military Air Transport Service (MATS) had schools in Bermuda and the Azores and three separate Navy commands operated schools in Iceland, Trinidad, Cuba, and Newfoundland.

A look at the school system in 1961 provides a picture of the scope and expansion of the overseas dependents schools in Europe. At this time the Army was

operating 169 schools in Germany, 37 in France, 9 in Italy and 4 in Ethiopia with a total enrollment of 70,000. The Air Force Enrollments exceeded 50,000 in their schools in Germany, France, England, Scotland, Italy, Spain, Morocco, Libya, Greece, Turkey and Pakistan. The Navy enrolled more than 8,000 students in schools in Scotland, Italy, Spain and Turkey.

The structure of the school system in the early 60's reflects the emergence of each service as a distinct command under the European or Far East Command. These commands had developed their own policies concerning operations and community growth, including the establishment and operation of schools. The operation of schools developed along the same lines established for command structure. Each service had its own civilian work force and residential areas. Teachers and other school personnel were employed as civilian personnel attached to the host service.

Beginning with reports of meetings of the Joint Army-Air Force Board on Dependents Schools in late 1947, there are a number of memoranda and messages reflecting continuing discussions about unifying the various school systems. The general report of the Committee on Dependents Schools of the North Central Association (NCA) filed in March, 1952, called for the elimination of competition among the three services and recommended, minimally, that a single teacher recruitment program be implemented.

In April, 1954, the three service commands under USEUCOM established a mutually agreed upon policy for the operation of schools in Europe in USEUCOM Policy Directive 30-5. Essentially an extension of existing practices, the policy specified areas of responsibility for each service and remained in effect until the overseas schools world-wide were unified within three major regions in 1964.

It was not until the results of a survey conducted at the request of the

Deputy Secretary of Defense (Manpower) were published in 1962, that action was taken to unify the three military school systems. In Department of Defense Directive 1342.6 of January 3, 1964, which also covered the operation of dependents school programs in the Far Eastern and Atlantic Theaters of operation the basis for a unified school system was established. The directive stated that the Army would have responsibility for the dependents schools in the European region -- which extends to the ninetieth degree longitude, including North Africa; the Air Force would have similar responsibility in the Pacific and the Navy in the Atlantic. All DOD overseas schools were placed under the overall policy control of the Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs).

This organizational pattern remained in effect until July 1, 1976, when the Department of Defense Dependents Schools was organized as a field activity within the Department of Defense by congressional mandate. With the implementation of this mandate the responsibility for operation of the schools was removed from each of the three services and established under the auspices of DOD. The three services continued to provide vital support to the schools in overseas locations.

In the Education Amendments of 1978 Public Law 95-561 enacted on November 1, 1978, the Director of the Department of Defense Dependents Schools was given authority to re-organize the school system. The overseas schools were re-organized in five regions headquartered in London, England; Madrid, Spain; Frankfurt and Karlsruhe, West Germany and Okinawa.

A sixth region, the schools in the Panama Canal Zone, was added on October 1, 1979. The sixth region is the oldest. The Isthmian Canal Commission (later the Panama Canal Zone Company) opened schools in 1904 for the children of federal employees in Panama. These schools were operated by the Canal Zone until October 1, 1979, when as a result of the Panama Canal Zone Treaty their administration was assumed by the Department of Defense Dependents Schools.

With the creation of the Department of Education on October 17, 1979, the overseas dependents schools presently consisting of 277 schools enrolling 140,000 students and employing just under 11,000 people in 26 countries will become part of the new department at the conclusion of a three year transition period.

Tuition-Fee Schooling

In locations overseas where low student populations do not justify the operation of federally supported schools, tuition arrangements are made with local schools for the education of eligible dependents. Authority for this expenditure is contained in Public Law 79-604 and explicated in Department of Defense Instruction 1342.4 dated November 14, 1957. Further clarification can be found in United States Dependents Schools, European Area (USDESEA), Reg. 352-555 and in Public Law 95-561 and applicable directives of the respective services.

At the present time tuition costs are paid for approximately 3,000 students attending schools in 50 countries world-wide. Schools are certified at the request of local commanders by the administrative staff of the overseas schools. Certification is based on descriptions of the school, reports of a United States accrediting agency, if available, language in which instruction is given and reasonable annual per-pupil costs.

Service-Operated Section 6 Schools

Section 6 of Public Law 81-874 provides for the education of children living on federal property or living with parents employed on federal property for whom local agencies are unable to provide education. This provision includes "children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority," (Public Law 81-874, Section 6(a)). These schools are located in the continental United States and the Trust Territories.

The Section 6 schools are funded by the Commissioner of Education with the use of impact aid funds. Funding cannot exceed that of the per pupil cost funded by the state in which the school is located.

The schools are administered by the federal department owning the land on which the school is situated. Administration of the schools is subject to the regulations of the department involved, though Section 6 does state that school boards elected by the parents shall be empowered to oversee school expenditures and operations.

The location and administration of the service-operated Section 6 schools are displayed in the following table.

Table 2

SERVICE-OPERATED SECTION 6 SCHOOLS

	Army	Navy	Air Force	USMC
Alabama	McClellan Rucker		Maxwell	
Georgia	Benning Stewart		Robins	
Kentucky	Knox Campbell			
Louisiana			England	
North Carolina	Bragg			LeJeune
New York	West Point			
Puerto Rico		Buchanan		
South Carolina	Jackson		Myrtle Beach	Beaufort
Virginia		Dahlgren		Quantico
18	(9)	(2)	(4)	(3)

As of the School Year (SY) 1979-80, Army schools enrolled 20,000 children, Air Force 2,800, Navy 5,000, and Marines 5,000.

With the establishment of the Department of Education (E.D.), the Section 6 schools will be administered by E.D. The location of these schools within the administration of E.D. is being considered.

Funding History

The funding of the overseas schools has been a problem throughout most of the history of the school system. In a cable from the Adjutant General of the War Department to the USFET Commander-in-Chief dated May 25, 1946, the

Department stated that "no direct appropriation will be made for the education of dependents." A Dependents Schools Service Fund with revenues from the profits of military officers' and noncommissioned officers' clubs and tuition fees was established. The fund also received profits from Class VI (military liquor stores) for the first year of operations. An additional source during the first ten years of operations in Europe were Deutsche Mark funds available from occupation funds and later, defense support contributions.

Funding patterns established in the early years of the school system reflect problems that remained with the overseas schools for some time. A request for nonappropriated funds for SY 1947-48 was cut by more than one-third resulting in a reduction in the number of stateside-hired teachers, cutting six of ten proposed school nurse positions and abolishing a planned raise for locally hired dependent teachers. Though the War Department announced the availability of appropriated funds in Fiscal Year (FY) 1948, the appropriated amount, based on current expenses, did not meet costs incurred as a result of higher enrollments. A basic difficulty--compiling accurate forecasts of future enrollments upon which budget requests would be based--was revealed.

In FY 1951 funds for dependents were included in the Army appropriations bill, and a per pupil limitation was imposed. This sum limited the amount that could be spent to educate one pupil. The per pupil limitation (PPL) became the determinant in fixing teachers' salaries, allocation of teaching positions, and the purchasing of instructional equipment, materials and supplies. As the PPL often did not reflect rising costs such as retroactive salary increases and increased operating costs in some foreign countries, it was abolished in Public Law 90-96 in September, 1967.

Authority for developing a single lump-sum budget was given to the School Area Directors (Atlantic, Europe, and the Pacific) in the late 1960's. Problems

continued to exist based on inaccurate enrollment forecasts. Budget deficits usually led to reductions in the number of special services provided and in purchasing supplies and equipment.

When the administration of the overseas schools was established as a field activity of the Department of Defense in July, 1976, a consolidated budget representing the geographic regions was submitted by the Office of Dependents schools. The cornerstone of this budget is the projected enrollment. These projections are based on input from local principals to regional offices. The Office of Dependents Schools modifies the projection based on information from the Joint Chiefs of Staff, Secretaries of the military services and other sources. Using projected enrollment in various categories, staffing costs including salaries, housing and other benefits are identified. Costs for transportation, facilities, supplies and equipment are added.

The total budget for the schools is reviewed jointly by the Comptroller for the Department of Defense and the Office of Management and Budget. The overseas school budget is entered as a line item with explanatory appendices in the DOD budget and submitted as part of the President's annual budget request.

History of Special Education and Related Services

Special services to students began with the provision of school health nurses shortly after the Army schools were opened in Europe. Nurses were assigned to the larger schools only and projected staffing for nurses was among the first items cut when insufficient funds were appropriated for the schools.

When the per pupil limitation funding was in effect, an increment was added for handicapped dependents. The policy of the Army throughout the 1950's was to provide special education on a contingency basis. Whenever ten handicapped children were present in any location a teacher was hired and a program established. If the enrollment fell below ten, the program was discontinued. This policy led

to a fragmentary, erratic program. In addition to the problems of continuity, the quality of instruction suffered as the children served might range in age from five to seventeen and exhibit a variety of handicapping conditions.

In the 1960's during the transition from the numerous military school systems to the three geographic regions, each directed by one of the services, a plan was proposed to establish centers for handicapped children in areas with a high concentration of military populations. This system would provide for continuity of programs and would allow for homogeneity in regard to age and, where appropriate, handicapping condition. An agreement was reached with the military services to establish a compassionate reassignment program that would allow military personnel initial assignment or transfer to an area in which special services were provided without detriment to the service member's career. This plan was activiated when the schools were consolidated in three regions under the auspices of the three services. It has remained in effect for low incidence and severe handicapping conditions.

The Army has used the compassionate reassignment option more than the other two services. The current policy and procedures for obtaining compassionate reassignment are outlined in Army Regulation 614-101 Officer and Warrant Officer Reassignment Policy, October 15, 1973, and Army Regulation 614-200 Individual Requests for PCS or Deletion from orders. AR 614-101 states that reassignment consideration may be given to cases of extreme family hardship which can be alleviated only by an assignment to a specific area. Justification of the request is required. Paragraph 3-3(2) of AR 614-101 provides the means to assign an officer to an area where special education classes exist. It states that compassionate reassignment can be considered when "an unusual problem exists, which can be alleviated only by the member's assignment to a particular geographic locality." AR 614-200 contains similar provisions for enlisted men. However,

AR 614-200 specifically states that requests involving relocation to an area where special education exists will receive favorable consideration. The needs of the service remain the final determining factor.

During the 1970's programs for the mildly handicapped and speech impaired were expanded to provide services in many locations. Services to small, isolated schools has remained a problem.

Two other factors impacted on the development of the special education program. During the 1960's The Council for Exceptional Children maintained an active chapter in West Germany. This group, in conjunction with the pupil personnel services director for the European region, developed staffing guidance for programs for exceptional children.

Also during the 1960's the Uniformed Services Health Benefits Program (CHAMPUS) provided support for handicapped children enrolled in the overseas schools. CHAMPUS-supported aides individually tutored children with serious learning and behavior problems. CHAMPUS also purchased large amounts of supplies and equipment. Abuses of CHAMPUS support in some schools and by private practitioners led to revised CHAMPUS regulations which prohibited the use of CHAMPUS funds for educational purposes for handicapped dependents enrolled in the overseas schools. A current description of the CHAMPUS program is contained in DOD Regulation 6010.8-R. As described in this regulation CHAMPUS benefits are similar to those provided by other major health programs. However, services that are related to special education are not available to students enrolled in the overseas schools.

In Public Law 95-561, it is specifically stated that the overseas dependents school will be subject to the provisions of Public Law 94-142. This is the first time that legislation directed at the education of the handicapped in the overseas schools was passed. As was pointed out earlier in this paper, the 1978 Amendments mark the first time that legislation authorizing the existence of the overseas schools and addressing specific programs was developed and voted into law.

As of school year 1979-80, the overseas schools provided a range of services to children with handicapping conditions. These services are listed by region.

Table 2

DODDS SPECIAL EDUCATION PROGRAM

1979/80

Key to Classes

LD - Learning Development
EH - Educable Mentally Handicapped
TH - Trainable Mentally Handicapped
ST - Speech Therapy
GT - Gifted/Talented
PHY - Physically Handicapped
D - Impaired Hearing
PRE - Preschool Handicapped
B - Vision Impaired

P - Primary
I - Intermediate
J - Junior High School
S - Senior High School

I. ATLANTIC REGION

SCHOOL	APO	TYPE OF CLASS
AFCENT	09011	LD
Alconbury ES	09238	LD
Bermuda ES	FPO 09560	LD
Bermuda HS	FPO 09560	EH
Bicester ES	09194	LD
Chicksands ES	09193	LD
Croughton ES	09378	LD
Cuba ES	09593	LD/ST
Cuba HS	09593	EH
Fairford ES	09125	LD
Iceland ES	09571	LD/ST/GT
Iceland HS	09571	EH
Lakenheath ES	09179	LD/PRE/EH(P)/EH(I)/ST
Lakenheath HS	09179	LD
Lakenheath MS	09179	LD/EH(J)
SHAPE ES	09088	LD
Soesterberg ES	09292	LD
Upper Heyford ES/JHS	09194	LD/ST/GT
Woodbridge ES	09405	LD/EH
Woodbridge HS	09405	LD

Table 2 continued

II. MEDITERRANEAN REGION

SCHOOL	APO/FPO	TYPE OF CLASS
Ankara ES	APO 09254	LD
Athens ES	APO 09223	LD
Aviano ES #1	APO 09293	LD
Aviano ES #2	APO 09293	LD
Azores ES	APO 09406	ST/LD
Azores HS	APO 09406	LD
Bahrain ES/HS	FPO 09526	LD
Brindisi ES	APO 09240	LD
Gaeta ES	FPO 09533	LD
Incirlik ES	APO 09289	ST/LD
Iraklion ES/JHS	APO 09291	LD
Izmir ES	APO 09224	LD
La Maddalena ES	FPO 09533	LD
Livorno ES	APO 09019	LD
Naples ES #1/JHS	FPO 09521	ST/EH
Naples ES #2	FPO 09521	ST/LD
Naples HS	FPO 09521	LD
Rota ES	FPO 09540	ST/LD/EH
Royal Oaks ES/JHS	APO 09283	LD
Signonella ES/HS	FPO 09523	LD
Torrejon ES/JHS	APO 09283	LD
Torrejon HS	APO 09286	GT/EH
Vicenza ES	APO 09221	LD
Vicenza HS	APO 09221	LD
Zaragoza ES	APO 09286	LD

Table 2 continued

III. PACIFIC REGION

	SCHOOL	
JAPAN	Atsugi	ST/LD
	Byrd Elem	ST/LD/TH
	Kinnick Mid	EH
	Kinnick HS	ST/LD
	Misawa Elem	ST/EH/LD
	M. C. Perry Elem	ST/EH/LD
	Sagamihara	ST/EH/LD
	Sullivans	ST/EH/LD
	Yokota West	ST/EH/TH/LD
	Yokota East	ST/LD/GT
	Yokota HS	ST/EH/LD/D
	Zama Mid	LD
	Zama HS	LD
KOREA	Taegu Elem	ST/LD/GT
	Seoul Elem	ST/EH/LD/B/D
	Seoul HS	ST/LD
OKINAWA	Makiminato Elem	ST/EH/LD
	Zukeran Elem	ST/TH/LD
	M & K	ST/LD
	Kadena Elem	GT/ST/LD/EH
	Kadena Mid	ST/LD/D
	Pacific Mid	ST/LD
	Kubasaki HS	ST/EH/LD
PHILIPPINES	Wurtsmith	ST/EH/LD
	Grissom	ST/EH/LD
	MacArthur	PRE/ST/TH/LD/GT
	Lily Hill	ST/LD
	Wagner Mid	ST/EH/LD
	Wagner HS	EH/LD
	Kalayaan	ST/EH/LD
	Binictican	ST/EH/LD

Table 2 continued

IV. GERMANY SOUTH REGION

SCHOOL	APO NY	TYPE OF CLASS
Ansbach ES	09177	LD/ST
Ansbach HS	09177	LD
Aschaffenburg ES	09162	LD/ST/EH(P/I)
Augsburg ES	09178	LD/EH(P/I)/ST
Augsburg HS	09178	EH(J/S)
Bamberg ES	09139	LD/ST/EH
Boeblingen ES	09046	LD/ST
Crailsheim ES/JHS	09751	LD
Erlangen ES	09066	LD
Goeppingen ES	09454	LD
Grafenwoehr ES	09114	LD
Heidelberg ES #1	09102	PRE/ST/EH
Heidelberg ES #2	09102	LD/EH(P/I)/ST
Heidelberg MS	09102	LD(J)
Heidelberg HS	09102	LD(S)
Heilbronn ES	09176	LD/ST/EH
Karlsruhe ES	09164	LD/ST
Kitzingen ES	09031	LD/ST/EH
Ludwigsburg	09154	LD/ST/EH(P/I)
Mannheim ES	09086	LD/ST/EH(P/I)
Mannheim MS	09086	LD(J)
Mannheim HS	09086	LD(S)
Munich ES	09184	LD/ST
Munich HS	09184	LD
Nellingen ES	09061	LD/ST
Nuernberg ES #1	09696	LD/ST/EH(P/I)/PRE
Nuernberg ES #2	09696	LD/ST/EH(P/I)
Nuernberg HS	09696	EH(J/S)
Schweinfurt ES/JHS	09033	LD/ST/EH
Stuttgart ES	09154	LD/EH(P/I/J)/PRE/ST/GI
Stuttgart HS	09154	EH(J/S)
Ulm ES	09035	LD/ST
Vilseck ES	09114	LD
Wildflecken ES	09026	LD
Wuerzburg ES	09801	LD/ST/EH(P/I)
Wuerzburg HS	09801	EH(J/S)
Bad Toelz ES	09050	LD (Itinerant)
Katterbach ES	09177	LD (Itinerant)
Schwaebisch Gemuend ES	09281	LD (Itinerant)
Amberg ES	09452	LD service available
Bad Kissingen ES	09330	
Bindlach ES	09411	through an aide and
Hohenfels ES	09173	
Illesheim ES	09140	Itinerant Specialist
PATCH ES (Stuttgart)	09154	
Schwaebisch Hall ES	09281	
Wertheim ES	09047	

Table 2 continued

V. GERMANY NORTH REGION

SCHOOL	APO	TYPE OF CLASS
Aukamm ES	09457	LD/ST
Bad Kreuznach ES	09252	LD
Bad Nauheim ES	09074	LD
Baumholder ES #1	09034	LD/ST
Baumholder ES #2	09034	LD/ST
Baumholder HS	09034	LD
Berlin ES	09742	LD/ST
Berlin HS	09742	LD
Bitburg ES	09132	LD/ST
Bitburg MS	09132	LD
Bitburg HS	09132	LD
Bonn ES	09089	
Bremerhaven ES	09069	LD
Butzbach ES	09077	LD/ST
Darmstadt ES	09175	LD/ST
Darmstadt CC	09175	LD
Darmstadt ES/JHS	09175	LD
Frankfurt ES #2	09710	LD/ST/D/PHY/PRE(3)
Frankfurt HS	09710	LD
Frankfurt JHS	09039	LD/D
Fulda ES	09146	LD/ST
Gelnhausen ES	09169	LD/ST
Giessen ES	09169	LD/ST
Giessen JHS	09169	LD
Hahn ES	09109	LD/ST
Hainerberg ES	09457	LD/ST
Hanau ES	09165	LD/ST
Hanau HS	09165	LD
Kaiserslautern ES #1	09012	LD/ST/TH
Kaiserslautern ES #2	09012	LD/ST
Kaiserslautern JHS	09012	LD
Kaiserslautern HS	09012	LD
Landstuhle ES	09180	LD/PRE
Mainz ES	09185	LD/ST
Osterholz-Scharmbeck ES	09069	LD
Pirmasens ES	09189	LD
Pirmasens JHS	09012	LD
Ramstein ES	09012	LD/ST
Ramstein JHS	09012	LD
Rhein Main ES	09057	LD/GT/PRE
Sembach ES	09130	LD
Spangdahlem ES	09123	LD/ST
Wiesbaden MS	09457	LD
Wiesbaden HS	09457	LD
Zweibrucken ES #1	09872	LD
Zweibrucken ES #2	09860	ST
Zweibrucken HS	09860	LD

Table 2 continued

VI. PANAMA REGION

SCHOOL	TYPE OF CLASS
Balboa	LD/EH
Ft. Clayton	PRE/ST/LD/EH
Ft. Kobbe	LD/EH
Ft. Davis	ST/LD
Ft. Bulick	ST/LD/EH
Margarita	ST/LD
Coco Solo	ST/LD/TH
Los Rios	LD
Curundu	ST/LD/EH
Diablo	ST/LD/TH
Howard	LD/EH/TH
Curundu JHS	EH
Balboa HS	LD/EH
Cristobal J-SHS	EH

In addition to special education services, services provided by counselors, psychologists, social workers, dormitory professionals and paraprofessionals, are also available. A listing of these positions and locations follows.

Table 3

Educational Support Personnel In Overseas Schools

Region	Counselors	Psychologists	Social Workers	Dormitory prof.	Staff para prof.
Germany North	75	5	4	12	0
Germany South	53	3	5	5	0
Atlantic	33	2	1	22	10
Pacific	54	8	2	0	0
Panama	15	0	0	0	0
Mediterranean	24	1	0	7	4
TOTALS	254	19	12	46	14

Services are provided in a range of settings from "centers" which function as a full-time special school to resource rooms to full-time placement in a regular classroom with assistance to the classroom teacher in program modification.

In reference to Section 504 of the Rehabilitation Act of 1973 and in response to the requirements of P.L. 94-142, a March, 1979, letter from the Secretary of Health, Education, and Welfare was sent to all administrators responsible for Section 6 schools stating that the schools would comply with this legislation. The major impact of this directive has been the upgrading of the Section 6 school facilities, many of which did not meet the standards of the public schools. Architectural accommodations for the handicapped have been made or are in the design

stage. The procedures followed by each Section 6 school in implementing P.L. 94-142 reflect those followed by the local and state education agencies of the state in which the Section 6 school or school system is located.

Summary

The educational systems serving the dependents of persons in the military services stationed overseas and in some areas of the United States have developed in a unique manner. The administration of the schools, the relation of the administration to the system's constituents, accountability for policies and funding mechanisms all reflect the specific and unusual characteristics of the overseas, tuition-fee and Section 6 schools. The effectiveness of the special education program and considerations for policy change must be evaluated within the context of the uniqueness of these schools.

The status of the overseas and Section 6 schools creates a setting unlike that of any other American schools. Though there are analogous situations (particularly schools run by the Bureau of Indian Affairs) the special circumstances of the schools described in this paper require an examination of the relationships between local, state, and federal education agencies as defined in P.L. 94-142. The applicability of regulations delineating these relationships needs to be examined in relation to the overseas and Section 6 schools.

As the operating procedures of the Section 6 schools in special education are consistent with the states in which they are located, an extensive analysis of these schools will not be made.

Chapter II
THE RELEVANCE OF FEDERAL, STATE, AND LOCAL RELATIONSHIPS OUTLINED IN P.L. 94-142 TO A FEDERAL SCHOOL SYSTEM

With the advent of the Department of Education and the inclusion in it of the overseas schools and the Section 6 schools, the new department will be responsible for funding and operating the ninth largest American school system. The school system will be a visible example of federal policies and as such may become a prime target for praise and criticism.

Because of the unique position of these schools in the American education system, it is useful to examine the primary intent of P.L. 94-142 and specific areas of concern in applying this legislation before confronting issues that impact directly on the students, teachers and parents.

As was stated in the introduction, P.L. 94-142 is intended to guarantee the availability of special education, assure fairness in decision making, establish clear management and auditing requirements and provide financial assistance with federal funds. Public Law 94-142 presumes that a comprehensive set of policies regulations, administrative procedures and operations impacting on special education are in effect at the local, state and federal level. The overseas and Section 6 schools do not have a large body of policies, regulations and directives relating to special education. P.L. 94-142 applied without consideration to these schools does not necessarily result in the same facilitating outcome that was intended in applying this law to the states. Four areas addressed in P.L. 94-142: funding, state policies and plans, compliance and administration, need to be considered given the projected organization of the overseas and Section 6 schools within the Department of Education.

Funding

The largest portion of funds for operating local school systems in the United States is generated locally. State and federal governments provide additional assistance, with the federal government contributing the least amount of money. Under P.L. 94-142 there is an escalating authorization formula that allows for the federal government to pay an increasing percentage of the per pupil expenditure, beyond the costs for educating a nonhandicapped student, for use in educating handicapped pupils. If money was appropriated to the ceiling prescribed, the federal government would eventually pay 40 percent of the costs over and above the average per pupil expenditure to educate a handicapped student.

P.L. 94-142 is not the only source of federal funds available to educate a handicapped child. Although it represents the largest single commitment, funds are also earmarked for the education of the handicapped under the older Education of the Handicapped Act, in vocational education and Headstart programs and under P.L. 89-313 which provides monies for children in state operated or supported facilities. Other federal acts such as Title I of the Elementary and Secondary Education Act also authorize funds for populations which include handicapped children.

Unlike local or state agencies, the overseas schools cannot choose to not participate in meeting the requirements of P.L. 94-142. The Education Amendments of 1978 (Title XIV) specifically state that the overseas schools will comply with this law. However, there is no means provided in Title XIV or P.L. 94-142 for overseas schools to obtain funding under the Act. In the past funds administered by the former HEW have not been accessible by the overseas schools with the exception of access to Part B funds of P.L. 91-230 during a short period in the late sixties. In addition to lack of access to P.L. 94-142 funds, no other federal funds authorized under other legislation for the handicapped have been

available to the federal school system. Other agencies both public and private with an interest in or ability to provide services to handicapped children do not exist on any large scale overseas. Thus, overseas schools do not have the opportunities that stateside school districts have for interagency cooperation with its potential cost reductions to schools. Minimal amounts of money -- usually totaling several hundred dollars -- are donated to special education on some bases by Officers and Non-Commissioned Officer's Wives Clubs and other groups.

Consequently, the Office of Dependents Schools has directly requested and received additional appropriations from Congress for special education facilities and staffing. One of the issues facing the overseas schools in the move to the new Department of Education is to insure that funds for special education, which will all come from a single source, are appropriated at a fiscal level comparable to the fiscal level achieved through the multi-sourced funding of local education agencies in the United States.

States are also allowed to spend a portion of federal monies to cover costs of administering special education. Administrative costs need to be computed and requested as part of the budget for special education in the overseas schools. Mechanisms to determine costs taking into consideration unusual requirements of overseas living and to request and account for funds also need to be developed.

State Policies and Plans

Extensive regulatory attention is devoted to management responsibilities, interlocking functions and accountability involving the local, state, and federal levels in administering P.L. 94-142. A key requirement in meshing the responsibilities of the three agencies is the submission of local applications and state plans guaranteeing the rights of the handicapped, detailing procedures to be

followed and resources to be developed in achieving the goal of a free appropriate education for all handicapped children. The state plan must include timetables for providing service and a clear statement of priorities. The plan must be made available for public comment. The state plan provides the federal government with a comprehensive statement of needs, plans to meet these needs and a basis for accountability. The release of funds to the state is contingent on the acceptability of the operation of special education in the state as described in this document.

As the overseas schools are funded solely by the federal government, the use of local applications and a state plan as a means of requesting funds is not relevant. However, the data base established in these documents, the assurance of procedures to be followed, the built-in accountability and the participation of the public in their preparation are valuable components of the process. Manuals and regulations insuring the adoption of procedures required to implement P.L. 94-142 have been published by the overseas dependents schools. A school-by-school comprehensive needs assessment of special education was conducted in the European region in the preparation of the FY 1980 budget.

It would be valuable at this time for the overseas schools to prepare a document detailing system-wide special education needs, establishing goals, and setting forth a time line for the realization of these goals. The information to produce this document is available in various sources used in budget preparations. A compilation of information in a single document open to public scrutiny is needed to fulfill the intent of P.L. 94-142 to exhibit systematic agency planning and accountability.

Monitoring and Compliance

DS Manual 2500.4, Program Guide for Exceptional Children and Youth, contains a checklist for local schools to use in self-monitoring their compliance with

P.L. 94-142. There is not presently in place a system-wide process for assuring that the overseas schools meet the requirements of P.L. 94-142.

With the move of the overseas schools into the Department of Education, a means of assuring compliance of the school system with P.L. 94-142 needs to be developed. The present Bureau of Education for the Handicapped performs this function for the states and will continue this operation under the new department. Questions of appropriateness, communications, impartiality of decisions and others, arise when one office of a federal department monitors another. It is expected that the Office of Special Education and Rehabilitative Services will have input on special education programming in the overseas and Section 6 schools. Procedures for assuring that federally operated school systems comply with P.L. 94-142 need to be developed.

Administration

Under the terms of P.L. 94-142 the current Commissioner of Education supplies technical assistance, training and information dissemination to the states. The federal government also provides accountability in terms of numbers served, and performs some data collection and evaluation functions. A determination of the overseas schools needs in these areas and procedures for accessing these functions should be developed.

Two issues are predominant in the area of administration. One has been dealt with to an extent under monitoring. Evaluation by an objective agency is helpful in identifying areas of policy implementation that need to be improved to meet specified goals. Possibly the federal government cannot perform this function for the overseas schools as objectively or easily as it does for the various states.

Another area of concern is the present organizational structure of the overseas schools in which special education is administered by seven curriculum

coordinators (one in each region and one in Washington). These positions carry no line authority, a critical oversight in administering an area that is as complex as special education. Particularly since the passage of P.L. 94-142, the administering of special education requires authority and knowledge in the areas of personnel, funding, regulatory procedures, resource management and program development as well as a thorough technical knowledge of curriculum and instruction.

This chapter has focused on several issues that need to be addressed in order to provide an operating context in which the federal schools coming into the Department of Education can implement P.L. 94-142 consonant with the intent of Congress and the current practices of American school systems. Some general suggestions for resolving these issues are discussed in Chapter III.

Chapter III
COMPARISON OF SPECIAL EDUCATION SERVICES CURRENTLY PROVIDED TO REQUIREMENTS OF P.L. 94-142

The history of the overseas and Section 6 schools has been briefly described. The current structure of the schools has been explained. Particular areas of administrative concern in enforcing P.L. 94-142 have been discussed. In this chapter specific areas of P.L. 94-142 will be examined in the light of current practices operating in the overseas schools. As was pointed out previously, Section 6 schools follow the policies and practices of the local education agency.

Identification, Location, and Evaluation of Handicapped Children

A general requirement of a state's annual program plan is the inclusion in detail of policies and procedures the state will or has undertaken to insure that all handicapped children in need of special education and related services are identified, located, and evaluated. A practical method must be developed to determine which children are currently receiving needed special education and related services and which are not.

The overseas schools have available mechanisms built into military personnel assignment procedures to assist in the identification and location of handicapped children. The Army established the Handicapped Dependent Program on February 1, 1978, when Army regulation 614-203, "Assignment of Personnel with Physically, Emotionally or Intellectually Handicapped Dependents," became effective. AR 614-203 and Procedure 4-28 which was established in a letter from the U.S. Army Personnel Center (MILPO Letter Number 44) provide a means for soldiers to identify to assignment authorities dependents who have physical, emotional or intellectual handicaps. Participation in the program which was initially voluntary was required in a subsequent amendment to the regulation. To enroll in the program,

soldiers submit an application form and a statement of the handicap with medical or educational documentation as required.

Responsibility for the assignment of personnel who are enrolled in the Handicapped Dependents Program rests with Army assignment authorities (CG, MILPERCEN, TSG, TJAG or Chief of Chaplains). These authorities receive, evaluate and approve or disapprove applications with technical advice from the Surgeon General and/or the Adjutant General. The Surgeon General advises on the availability of specialized medical or professional services at various locations and the Adjutant General on the availability of educational services.

Some difficulties inherent in Army screening procedures were highlighted in a report submitted to the Secretary of Defense by the General Accounting Office on December 28, 1978. Among these were the voluntary nature of the Handicapped Dependent Program, the volume of assignments processed, the lack of contact with medical or education officials responsible for providing service by consultants in the Surgeon General's and Adjutant General's office and the lack of participation in the program by persons with noncommand sponsored dependents, dependents on nonconcurrent travel and dependents of civilians.

Since publication of the GAO report, the Army has made a great effort to improve the screening process. The program is now mandatory for persons eligible for accompanied tours overseas and closer contact is maintained with locations providing service. The biggest problem remains the volume of cases screened by the Army. Though the GAO report recommended procedures similar to that of the Air Force, these procedures are not possible without additional personnel in higher level positions involved in the assignment process.

The Air Force in AF form 1466, "Medical and Educational Clearance for Dependent Oversea Travel," and in AFM 75-8, Vol. 2, establishes a procedure to identify dependents with medical or educational problems. The procedure is mandatory.

The basic differences between Army and Air Force screening procedures are:

1. Air Force does not handle the same volume of assignments.
2. Air Force independently verifies the medical and educational status of dependents identified on Air Force form 1466.
3. A smaller number of persons are involved in the Air Force assignment process and closer contact is maintained with the actual providers of medical and educational services.

Navy screening procedures are outlined in OPNAV Instruction 1300.9. This directs the Chief of Naval Personnel to make every effort to insure that personnel are assigned to areas where appropriate services are available for handicapped dependents. As the number of Navy dependents overseas is small and personnel and their dependents are screened for eligibility for overseas assignment rather than assuming eligibility, then identifying difficulties, problems with providing appropriate services to handicapped dependents, has been negligible. Navy regulations governing the assignment of personnel overseas are comprehensive and, if implemented, few problems should result.

Thus, the placement of the handicapped student depends on the assignment of his/her parents by the military authorities. This procedure is obviously different from non-military situations. Yet, the intent of P.L. 94-142 can be met within the military situation. This requires that those developing the IEP communicate to the assignment authorities what special education and related services they have decided will be delivered to the student. This communication would be greatly facilitated if the IEP itself were added to the papers for processing of overseas assignments.

Inherent in the screening procedures of the military services is a means of locating, identifying and initially evaluating handicapped dependents. These methods do not apply to all dependents overseas or to those enrolled in Section 6

schools. In addition to groups outside the screening procedures identified in the GAO report, dependents born overseas, preschoolers and those who develop handicapping conditions overseas need to be identified. The overseas schools are currently conducting a survey to locate preschool handicapped children and a census to determine the number of handicapped children enrolled in the schools.

Assessment

P.L. 94-142 carries a provision that seeks to guarantee that assessment procedures will not be racially or culturally discriminatory. To assist in realizing this guarantee, P.L. 94-142 stipulates that assessment materials and procedures shall be provided in the child's native language or mode of communication and that no single procedure shall be the sole criterion for determing educational placement.

In DS Manual 2500.4, "Program Guide for Exceptional Children and Youth," compiled by the overseas dependents schools, the provisions of P.L. 94-142 in regard to assessment are stated as part of the general guidelines on assessment procedures. Further, the manual states that tests and evaluation materials must be validated for the specific purpose for which they are used and administered by trained personnel. Also, the evaluation must be comprehensive and conducted by a multidisciplinary team.

In practice, the overseas dependents schools have experienced problems in complying with the assessment provisions of P.L. 94-142 similar to those experienced by stateside school systems. The state of the art in evaluating individual potential has not evolved to a point where accurate evaluations of functional capacity within a diverse cultural milieu can be made. Problems are also encountered in attempting to isolate the effects of a handicapping condition, particularly a specific learning or behavioral disability on the development of overall intellectual capacity.

In addition to general difficulties experienced by all persons attempting to fairly and accurately evaluate handicapped children, the overseas schools enroll students from a wide variety of cultural and racial backgrounds. A 1977 survey showed that children from seventy-two different language groups ranging from German to Twi were enrolled in the overseas schools. Approximately 6 percent of students in the overseas schools have limited ability to speak English. Children also come from complex cultural and racial situations. A child may have an Hispanic father from a large American East Coast city, a Vietnamese mother and be living in a small German village while attending an American school.

The overseas schools have assessment procedures consistent with P.L. 94-142 in place. Personnel in the system understand the complexities involved in administering these procedures and are implementing them to the maximum extent possible. To minimize discriminatory effects, volunteers frequently act as translators in administering tests or children are observed performing a variety of tasks to determine functional levels.

Individualized Education Program

The Education of the Handicapped Act states that an "individualized education program" (IEP) must be developed for each handicapped child who is receiving or will receive special education. The IEP must address individual needs of a single child for special education and related services and must state what will actually be provided to the child. P.L. 94-142 describes the basic components of the IEP, the persons involved in the development of the IEP and the responsibilities of the local education agency in preparing and reviewing the IEP. The IEP is described as a management tool to assure that an appropriate program is designed and delivered to each child (Weintraub and Aheson, 1977).

DS Manual 2500.4 outlines the development and review of an IEP for each handicapped child. The IEP as used in the overseas schools is consistent with the requirements of P.L. 94-142. DS regulation 2500.2 requires an IEP for all exceptional children to include gifted and talented. IEP's are not available for those children in private schools overseas.

The military services in conjunction with the overseas schools could require the submission of current IEP's as part of the procedures undertaken for overseas assignment. This would be invaluable in the assignment process and would assist the overseas schools in planning for continuity of special education and related services.

Least Restrictive Environment

P.L. 94-142 requires that handicapped children receive a free appropriate public education in the least restrictive environment. The intent of this language is that handicapped children will be educated with nonhandicapped children to the maximum extent possible. The IEP is used as a tool to achieve the least restrictive educational setting possible.

DS Manual 2500.4 defines the least restrictive environment in terms consistent with P.L. 94-142 and makes a commitment to educate children in the LRE. The main difficulty in providing the least restrictive environment in the local schools is related to staffing. Many of the schools overseas serve small, isolated populations. It is clearly not feasible to provide on site all types of services at all locations at all times.

P.L. 94-142 is concerned with providing the least restrictive instructional environment. However, the provision of the LRE in an instructional sense could be examined in the context of the restrictiveness of the social environment as well. Since many children are identified prior to the overseas assignment of the

parent, the overseas schools in conjunction with military assignment personnel, do assume some responsibility for evaluating the social environment in making placement decisions. Though P.L. 94-142 strictly defines the instructional environment in determining least restrictive, obviously the total environment impacts on the learning experiences of a handicapped child. In this area the overseas schools have taken the opportunity to consider the needs of the "whole child."

For example, the overseas schools system may be able to provide special education at a given school. There may also be a hospital or dispensary with personnel able to give needed medical support. However, the nature of the military overseas environment itself may be highly restrictive to handicapped children. In Germany there are a number of small Army bases located in rural areas. These bases are usually near a village or small town. The nearest city of any size can be anywhere from one to four hours driving time. Often the father is absent for long periods of time in the course of his duties. The housing area consists of ten to twenty apartment buildings. On the base there is usually one theater, a bowling alley, and a gym. There are two small stores with limited selections of merchandise and a snack bar. Social services consist of those provided by chaplains and after school activities supported by the Dependent Youth Activities. These are the parameters of daily life for a handicapped child and his/her family. Even the most active and well-meaning communities have difficulty supporting a handicapped child and providing opportunities for experience and growth. Support for parents may be limited, particularly if the mother is not an American or a citizen of the host country. A variety of factors in the situation described lead to an isolated, restrictive life for a handicapped child.

In some situations, however, the lack of a complex environment and the informality of the school, community and housing area can create a calm, non-threatening milieu which is conducive to the well-being of a handicapped child.

Some principals of small schools report that they have relatively few problems providing individual programs for handicapped youngsters. Overall this is the exception rather than the rule. Due to the uniqueness of education and living overseas, the concept of the least restrictive environment demands greater consideration. Options for insuring the least restrictive instructional environment will be discussed in Chapter IV.

Related Services

P.L. 94-142 defines related services as those additional services necessary in order for a child to benefit from special education. Specifically they are defined as "transportation, and developmental, corrective and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only)" (45 CFR § 121a.13). State and local agencies do not have to pay for all related services. Costs can and should be shared by other public agencies.

The area of related services presents some problems for the overseas schools. The only agencies operating overseas other than the schools are the military services. Transportation is provided by the services in many instances on a reimbursable basis. In some situations contracts are negotiated with local transportation companies in the host countries by military transportation officers. All costs for transportation are borne by the school system.

The overseas schools provide speech therapy, psychological and counseling services. The school system is understaffed in speech therapy and psychological services. The military services provide some speech therapy, audiologists, physical and occupational therapy and all medical services, but the first priority for service is active duty military. The Armed Services overseas are not

presently staffed to provide related services on the scale needed by handicapped dependent children in the overseas schools. References to this problem including selected figures can be found in the GAO report of December, 1978. The area of related services will be developed in Chapter IV.

Procedural Safeguards

P.L. 94-142 requires that the state agency guarantee full due process procedures for all handicapped children within the state and their parents or guardian with respect to all matters of identification, evaluation and educational placement whether it be the initiation or change of such placement or the refusal to initiate or change. There is also a guarantee of policies to protect the confidentiality of information.

DS Manual 2500.4 establishes operating guidelines that require the involvement of parents and children at every step of the identification, evaluation and placement process. In a supplement to the manual, hearing procedures which will be used on a trail basis during SY 1979-80 are outlined. These procedures meet the mandates of P.L. 94-142. The major problem with the hearing procedures is similar to that faced in providing related services. The only agency providing a service to government dependents operating overseas other than the schools are the military services. The judge advocate offices (JAG) have some of the same difficulties in this area as the medical services. To appoint hearing officers and conduct hearings on P.L. 94-142 issues is not one of the primary functions of this office and on many bases JAG offices are understaffed and are operating with a two-week appointments back-log. The staff of the overseas schools is presently working to insure that adequate hearing procedures are in place.

Policies in effect in Europe since 1974 (USDESEA Policy for the Collection, Maintenance and Dissemination of Pupil Records) insure the confidentiality of information. Regulations system-wide are being compiled addressing the issue of confidentiality.

Personnel Development

A Comprehensive System of Personnel Development is outlined in Sections 121a.380 through 121a.387 of the P.L. 94-142 regulations. This portion of the regulations calls for inclusion in the annual program plan of a personnel development system based on a continual assessment of the need for persons necessary to carry out the requirements of the Act. Preservice as well as in-service needs must be determined for regular and special education personnel and others.

The overseas schools have the advantage of recruiting persons from all over the United States. Needs are determined locally and are forwarded through regional offices to the Office of Dependents Schools in Washington, D.C. The overseas schools can select applicants from exemplary programs.

Beginning in SY 1978-79 in-service training for special educators, regular educators and parents was conducted in each region. Training has continued throughout SY 1979-80. Sessions have been conducted by a consortium of colleges and universities which provide credit to participants.

A comprehensive plan of personnel development written in consultation with all interested groups is not available at present. A particular circumstance faced by the overseas schools is the mobility of teachers. Though the number of teachers entering and leaving the system appears to have decreased, data is not available. This factor can be both positive and negative. On the one hand, there is continual teacher input from a variety of previous teaching situations. On the other hand, it is difficult to maintain a cohesive service delivery system and to assess the

level of expertise of the teaching population in a given year in time to plan in-service training that meets well defined needs.

The overseas schools have received some additional funds to provide the in-service training mandated by P.L. 94-142. Funds have also been allocated to increase staffing. However, before additional personnel can be hired, the Office of Dependent Schools must request additional manpower spaces from Congress. This situation results because the schools are part of the federal department of defense and there is an imposed ceiling on manpower spaces in all federal departments.

Architectural Barriers

P.L. 94-142 authorizes sums necessary to support grants to pay all or part of the cost of altering existing buildings and equipment to eliminate architectural barriers in educational facilities. The actural money for this component is separately appropriated by Congress and remains unfunded to date.

One of the main objectives of Section 504 of the Rehabilitation Act of 1973 is to make all programs within a facility accessible to handicapped children. This includes building new facilities that are barrier free and modifying existing buildings if program accessibility cannot be otherwise guaranteed.

The overseas schools are governed by the provisions of Section 504 as stated in Department of Defense Dependents Schools (DODDS) message 2119552 of March, 1979. Additional references providing information as to the implementation of this message are contained in DOD Directive 4270.1, "Construction Criteria Manual," February 16, 1978. The Office of Dependents Schools requested and received a supplemental appropriation to the FY 1980 budget of three million dollars earmarked for making facilities accessible and for increased staffing of special education.

No survey of existing facilities with respect to the provision of a barrier free environment is available. Many schools have made programs accessible to handicapped students without major architectural changes.

Advisory Panels

P.L. 94-142 requires the establishment of a state level advisory panel on the education of handicapped children. Membership, functions and procedures are outlined. The overseas schools have become a federal system under the new Department of Education. There are provisions in Title XIV to P.L. 95-561 for a national level advisory council for the overseas schools. This council has not been appointed or convened to date and its membership would not be consistent with that required in P.L. 94-142.

Section 6 Schools

Section 6 schools are funded and administered differently from the overseas schools. The budget for each Section 6 school is computed by averaging the per pupil cost of five districts in the state in which the school is located. The districts are 1) the district in which the state capital is located, 2) the LEA adjacent to the Section 6 system and 3) three comparable LEA's in the state. A survey is conducted to determine the number of handicapped children and a separate line item is added to the budget to request additional federal funds. These funds are used to provide or purchase services for handicapped children.

In the Amendments to the Rehabilitation Act of 1973 enacted by the 95th Congress, it is required that children in school on federal property be provided comparable services to handicapped children enrolled in the LEA.

Operating procedures for handicapped children in each Section 6 system are specific to that system and subject to the requirements of the state in which it is located.

In summary, the overseas schools have been able to meet many of the provisions of P.L. 94-142. Some of the same difficulties are being experienced in attempting to administer P.L. 94-142 as are currently evidenced in the United States. The problems in assessment are a prime example. Several areas of P.L. 94-142 cause particular problems for the overseas schools in attempting to comply with the intent of the legislation. These issues will be examined in the next chapter along with basic administrative issues concerning the Section 6 and tuition-fee schools.

Chapter IV
OPTIONS FOR IMPLEMENTING SELECTED P.L. 94-142 MANDATES IN FEDERALLY OPERATED SCHOOLS

In considering the requirements of P.L. 94-142, a number of issues have been raised in regard to federally operated schools for military dependents. Management and fiscal issues should be resolved in the preparation of the plan for the transition of the overseas schools and Section 6 schools to the new Department of Education. Though these are of prime importance, extensive data are not available at this time for developing viable options. For example, thorough comparative analyses of budgets for special education in schools for military dependents, as compared with other American school systems, are not available.

One point needs to be made in regard to the Section 6 schools and an issue relating to the tuition-fee schools should be raised. The major factor impacting on special education for children in Section 6 schools is the placement of these schools within the new Department. If the schools are maintained as part of the impact aid program with the ultimate goal of turning these schools over to the local education agency, then the schools should be encouraged to further align special education policies with those of the state in which they are located. The Section 6 schools should be a part of the state plan for special education and be subject to the same procedures for monitoring and compliance with Public Law 94-142. If the service-operated Section 6 schools are administered in conjunction with the overseas schools, then steps must be taken to assure that policies, procedures and regulations are consistent. The service-operated Section 6 schools provide an education to a segment of the same population of children served by the overseas schools. The placement of these schools under the same administration would provide opportunities for a consistent educational program.

Of particular relevance to this paper is the statement in DOD Instruction 1342.4 and USDESEA Reg. 352-555 that tuition-fee schooling is an option for

handicapped students when adequate educational facilities are not available at service-operated schools. DOD Instruction 1342.4 states that tuition costs of private schools providing education to dependents of Department of Defense personnel in areas where service-operated schools exist will be authorized when adequate educational facilities are not available at the service-operated school for "exceptional children," (i.e., those who are handicapped or gifted). USDESEA Reg. 352-555 states that costs authorized for payment include "enrollment and instruction of educable dependent children...who are handicapped...." (The word "educable" is used to qualify handicapped and should be removed. The regulations and administrative instructions governing payment of tuition to nonservice-operated schools need to be revised.) An IEP should be required as part of the request to pay tuition for a handicapped student.

The implementation of plans to effect assessment procedures, the development of the IEP, purchasing of materials, removal of architectural barriers and personnel training is proceeding in the overseas and Section 6 schools. Although strong efforts have been made in all areas of compliance with P.L. 94-142, four areas merit further consideration in light of the unusual structure of federally funded schools. These areas are: identification and location of handicapped children, provision of the least restrictive environment, related services and procedural safeguards.

In each of these four areas, policy options will be presented to assist decision makers in conceptualizing alternative courses of action in implementing specific provisions of P.L. 94-142. The anticipated positive and negative effects of each policy are also included.

All of the areas addressed require close co-operation with the military departments. The inclusion of a section on special education in agreements between the Department of Education and the Department of Defense to provide support to

the overseas schools is necessary to establish a broad policy base for the implementation of various courses of action related to P.L. 94-142.

POLICY OPTION AREA #1: IDENTIFICATION AND LOCATION OF HANDICAPPED CHILDREN

The identification and location of handicapped children in the overseas and Section 6 schools pose difficulties due to the mobility of the population. The average tour of duty overseas is twenty-one months. The continual movement of personnel can also be an advantage in that records are kept of many dependents and, in cases where the service members job can be performed in a number of locations, the opportunity exists to make the best assignment possible in terms of optimal services. In order to negate the difficulties imposed by mobility and maximize the positive aspects of a shifting population, several alternatives can be explored

OPTION #1.1: COOPERATIVE AGREEMENT

A Tri-Services Department of Education agreement will be negotiated, which requires the identification of known handicapping conditions of dependent children before an overseas assignment is finalized, if special education and related services are to be provided when the child arrives overseas. This agreement will also include procedures to submit an IEP with other documents required for processing the assignment of military persons with handicapped children and for the collection of data on numbers and types of handicapping conditions from military personnel assignment centers.

Positive Aspects of Option #1.1

This option would mandate the identification of handicapping conditions, thus providing the overseas schools the opportunity to assist in making assignments to locations having the best combination of services and in providing services in isolated locations. Also, an on going census of

handicapped children would be available for continual input in program planning.

Negative Aspects of Option #1.1

The problem with this procedure is that it will not account for children of civilians, non-command sponsored military and children whose handicapping conditions are not identified until after arrival overseas.

OPTION #1.2: ANNUAL CENSUS

An annual census of handicapped children enrolled in overseas dependent schools will be conducted in combination with a child find program.

Positive Aspects of Option #1.2

The advantage of this option is that it would account for all children enrolled in the schools or residing in military communities at a given time.

Negative Aspects of Option #1.2

The disadvantage of this procedure is the difficulty of collecting and compiling information on which to base delivery of services within a time frame that allows for program planning and implementation. The mobility of the population and the low incidence of some handicapping conditions precludes accurate programming in any specific sense based on a census. The use of data collected to assist in the assignment process is lost if data are collected after the fact.

OPTION #1.3: COMBINATION AGREEMENT AND CENSUS

A Tri-Services and Department of Education agreement will be concluded that would define joint roles for the military and the staff of the overseas schools in identifying, locating and assigning families

with handicapped dependents to overseas locations. In addition, a yearly census of the school age population and of children in the military communities will be conducted.

Positive Aspects of Option #1.3

A carefully written agreement could streamline the assignment process by minimizing the number of people contacted and maintaining close contact with the actual providers of service. An accurate on-going census of children would be maintained at all times. Data could be used for matching in-coming families with existing services and trends that developed over time and could be used to project the need for and organization of future resources.

Negative Aspects of Option #1.3

One problem inherent in this system is the need to account for and provide services to the children of those military persons who have limited assignment possibilities, often to only one area. This problem will be considered further below.

POLICY OPTION AREA #2: LEAST RESTRICTIVE ENVIRONMENT

As stated earlier in this paper, the consideration of a least restrictive environment takes on a broader connotation in the overseas setting. The restrictiveness of the overseas military community itself should be considered and the restrictions inherent in the quality of an instructional program that is provided for only one or two children in an area. A case in point is that of a 17 year old girl with Down's syndrome living on a large base on which there were no services for other than moderately mentally handicapped children. The school developed a satisfactory instructional program including vocational education and counseling services. This situation in no way paralleled that available to the girl in the United

States where she was involved in school, church, scouting, and Y.W.C.A. activities with a large number of handicapped and nonhandicapped teen-agers.

The other point to consider in the least restrictive environment is the provision of service to children who need to be hospitalized or institutionalized or who need to remain at home. This service is required by P.L. 94-142. Generally speaking, dependents with handicapping conditions requiring long-term placement in an institution are not brought overseas. Dependents developing such conditions overseas are usually returned to the United States as soon as possible and the sponsor is reassigned. Most children requiring hospital or home care are not handicapped, but are unable to attend school because they are temporarily ill or disabled. Options for providing service to dependents unable to attend school should be considered in the context of the population just described.

In considering the concept of the least restrictive environment, the following options should be considered.

OPTION #2.1: RECIONAL CENTERS

Additional regional centers will be established and existing regional centers will be supported for children and youth with low incidence handicapping conditions.

Positive Aspects of Option #2.1

The advantages of this option include continuity of curriculum and instruction, a manageable age and ability range and support for parents. These centers also act as magnets for the involvement of existing community groups in the education of handicapped youngsters and are near needed medical and related services.

Negative Aspects of Option #2.1

The disadvantages of this system are that it can lead to a greater exclusion of handicapped students from education with regular students

than is warranted by the handicapping condition. Not all persons with handicapped dependents can be assigned to areas where centers exist.

OPTION #2.2: ITINERANT SPECIAL EDUCATION PERSONNEL

A pool of itinerant special education personnel will be developed and maintained. An itinerant teacher in this sense is a teacher who establishes a program where needed and remains in place until the child or children transfer. It could also be a teacher who travels between several locations to provide services.

Positive Aspects of Option #2.2

The advantage of this option is that, theoretically, services can be provided at any location. For example, itinerant teachers can provide special education to hospitalized or homebound dependents as provided in DS Regulation 2500.1

Negative Aspects of Options #2.2

The disadvantage is the difficulty in maintaining such a pool. Long-term substitute spaces could be used to support such a system, but it would be hard to recruit persons to fill the positions. The funding and time lines required to bring persons from the states make stateside hiring for this program unfeasible. The lack of centralized recruiting in the regions prohibits the maintenance of a file on qualified tourist applicants.

OPTION #2.3: USE OF PARAPROFESSIONALS

Locally hired paraprofessionals or tutors will be available to provide services at all locations including regional centers.

Positive Aspects of Option #2.3

The advantage of this system, which worked relatively well as a CHAMPUS supported activity, is the quick access to service.

Negative Aspects of Option #2.3

The disadvantages are the frequent lack of expertise on the part of the persons hired and the supervision required to utilize their skills effectively.

OPTION #2.4: COMBINATION REGIONAL CENTERS AND ITINERANT TEACHERS

Centers for low incidence handicapping conditions and services for the mildly handicapped in many locations should be maintained. Itinerant teachers should be hired to provide services in isolated locations.

Positive Aspects of Option #2.4

This option provides all the positive aspects of the preceding options. The means of providing a least restrictive environment should be as diverse as the needs of the children in the varying locations where service is needed.

Negative Aspects of Option #2.4

The location of a geographic regional center may be limited by military organizational structure and not necessarily correspond to population needs. Consequently, planning and staffing would have to be closely monitored to assure effective management and delivery of required services.

OPTION #2.5: HOSPITALIZED/INSTITUTIONALIZED CHILDREN EVACUATED TO UNITED STATES

Children needing to be hospitalized or institutionalized for treatment of handicapping conditions will be medically evacuated to the United States. The decision to evacuate a dependent for medical reasons is based on factors involved in individual cases and is usually an emergency measure.

Positive Aspects of Option #2.5

The advantage of this option is that it allows for swift diagnosis and treatment for extreme medical and psychological conditions. In some cases medical evacuation places the individual in the best possible situation without delays in processing a return to the States.

Negative Aspects of Option #2.5

The disadvantage of a medical evacuation is that it may not necessarily place the individual in a better situation. Handicapped dependents with emotional or behavioral disorders may be returned to the States without adequate follow-up support to families.

OPTION #2.6: LOCAL CONTRACTS FOR INSTITUTIONAL CARE

The school system and/or the military service will contract with local national hospitals or institutions for long-term care and education of a handicapped child. In considering contracting with institutions in the host nations, an effort will be made to determine if the dependents of a service member whose spouse is a citizen of the host country are eligible to receive national health benefits.

Positive Aspects of Option #2.6

The advantage of this option is to maintain the individual as close to the family unit as possible.

Negative Aspects of Option #2.6

The disadvantage is the lack of adequate institutional care in some countries and the language barrier. Realistically, only England offers ideal conditions for this kind of care. Some individuals, particularly severely physically handicapped, could profit from excellent programs in Germany and Denmark.

POLICY OPTION AREA #3: RELATED SERVICES

In order to comply fully with P.L. 94-142 mandates, the provision of related services to handicapped youngsters requiring special education overseas is probably the area that needs most attention.

OPTION #3.1: INTERAGENCY AGREEMENT

An interagency agreement will be executed between the military services and the Department of Education to coordinate the delivery of related services to handicapped children. This could be part of a section of special education in the Tri-Services-E.D. agreement (see Option #1.1).

Positive Aspects of Option #3.1

One advantage of such an agreement is that the military already has in place personnel procedures for recruiting, renumerating, and assigning persons qualified to provide related services. Military persons responsible for related services have been sensitive to the needs of handicapped dependents and strong advocates for them within the overseas communities. Such an agreement would provide strong reciprocal responsibilities between the two departments in an area in which cooperation would be beneficial to all parties.

Negative Aspects of Option #3.1

The disadvantages of this option could become evident if careful agreements on cost sharing, interrelated functions and supervisory responsibility were not developed.

OPTION #3.2: ADDITIONAL STAFF

The overseas schools will staff persons responsible for providing IEP required related services.

Positive Aspects of Option #3.2

The advantages of this option exist primarily in the school system exercising complete control in the use of related services personnel.

Negative Aspects of Option #3.2

The disadvantages lie in the necessity for establishing new positions, qualifications, pay scales, recruitment procedures and in the loss of a close tie-in with the military medical community.

OPTION #3.3: CONTRACTING RELATED SERVICE DELIVERY

Contracts will be negotiated with local civilians, American or foreign, to provide related services.

Positive Aspects of Option #3.3

The advantage of this option is a quick, on-the-spot delivery of services -- an attractive possibility in administering programs for a highly mobile population.

Negative Aspects of Option #3.3

The disadvantage is inherent in a diffuse, locally controlled method of service delivery. It would be extremely difficult to control the quality of the services or the qualifications of personnel. For example, CHAMPUS has experienced such a difficulty in certifying persons as providers of service.

OPTION #3.4: CHAMPUS

CHAMPUS will resume providing related services to children enrolled in the overseas schools.

Positive Aspects of Option #3.4

CHAMPUS has a mechanism in place to reimburse private persons or agencies for providing related services.

Negative Aspects of Option #3.4

It has been difficult for CHAMPUS to evaluate the quality of related services overseas and to avoid abuses of the system.

POLICY OPTION AREA #4: PROCEDURAL SAFEGUARDS

The primary area of concern in establishing procedural safeguards is to insure unbiased hearing procedures. In considering any options to provide a mechanism for hearings, a basic decision regarding the authority of the hearing procedure must be made. The hearings can be conducted locally with the hearing officer making a decision that is binding for the overseas schools. In this case there would be no appeal rights within the system. An alternative is a two step hearing procedure. Hearings can be conducted locally with appeal to a hearing at the regional or national level.

OPTION #4.1: USING MILITARY JUDGE ADVOCATES STAFF

The staff of military judge advocate's offices will be used to conduct hearings.

Positive Aspects of Option #4.1

The advantage of this option is that the JAG offices already have legal processes in place and staff familiar with the conduct of impartial hearings.

Negative Aspects of Option #4.1

Whether JAG staff meets the impartiality requirements of § 121a.507 of the P.L. 94-142 regulations may be questionable. No hearing officer may be an "employee of a public agency which is involved in the education or care of the child." Training of JAG staff in educational issues would be necessary for them to be effective.

OPTION #4.2: INTER-REGIONAL HEARING OFFICERS

An inter-regional system using hearing officers from other regions within the system will be developed

Positive Aspects of Option #4.2

The advantage of using persons within the system are the thorough knowledge of the issues that the hearing officer would bring to the situation. This system has been used on an informal basis to investigate complaints.

Negative Aspects of Option #4.2

The obvious disadvantage is the possible lack of impartiality of the hearing officer. Though the overseas schools employ almost 11,000 persons, only 300 are in positions above the school level. Persons in these positions have usually worked in the school system for many years and have close personal and professional relationships.

OPTION #4.3: CONTRACTING HEARING OFFICERS FROM THE UNITED STATES

Hearing officers will be contracted from the United States.

Positive Aspects of Option #4.3

This option would provide knowledgeable and impartial hearing officers. However, at this time no one knows the extent to which hearings will be necessary and it is impossible to compute costs. If only several hearings a year were held, it might be worth the expense.

Negative Aspects of Option #4.3

A large number of hearings would preclude this option.

CONCLUDING OBSERVATIONS

As indicated throughout this policy options paper, many policy issues have been studied and procedures established by the overseas schools for implementing P.L. 94-142. In addition to the four option areas developed in this final chapter, future considerations would include options for providing adequate supplies and equipment and developing trained personnel. As in all phases of education, the overseas schools face unusual problems in special education. On balance, the opportunities for creating solutions are also unique. The challenge of providing an American education to a large overseas population has kept a "temporary" system operating for thirty-four years and has resulted in its final institutionalization in the Education Amendments of 1978 and the Department of Education Act. Consequently, the educational opportunities and quality of instruction appear to be very promising for both handicapped and nonhandicapped students in overseas military schools during the years ahead.

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